3 ~~Secret~~

App. F. IX-4

Previous References

1933. (Law) (51)

File No. 27-33

Serial Nos. 1 — 8

Later References

Law 27-36 — 1 + 2.

" 85-36 — 1-7

Please

PRESERVED

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Eight

Part B for June 36

SUBJECT.

Accidents of Suits in Dariskan Ry accident.

8) To The Agent-Mys Rys.

No. P 5791 dy 22-6-36

Informs that as regards the poor deserving Govt. desire that Compensation to the sufferers should be granted on a liberal scale.

Dr. Abdul Aziz
1-7-36.

1269/33.

Darewood Solicitors Chamber.

From
M. D. SWAMY. ESQR.,
B. Sc. B. Com. Ry. L. P. (LONDON.)
ATTORNEY AT LAW.

Erode 4th September 1933.

Ref. No D.S.C/106

Camp

Encl One.

Laws 7-33-1

By Regd post

To

Law

The Secretary of State. Mysore.

Bangalore.

Dear Sir.

Sirs.

RG 5/9/33

I under instructions from my clients herein named hereby give you this notice of my payment in their pecuniary Loss, as called in accordingly to their measure. and request which you will be good enough to furnish to said sum to me or my clients by the End of October 1933. Otherwise my instructions, are to take Legal Proceedings in this matter and that without further reference.

MDS 6/9/33

Please take the notice as required in Law — Sections 140 of the Indian Railways act 1890 for the objects Section 80 of the same act.

Please acknowledge.

M. D. Swamy 4.9.33.

1) Subject with a dft calling for report

TSD 7/9

TYPING SECTION 8 SEP 1933

2) Issue + resubmit

MDS 7.9.33

Issued no. P. 1221 dt 9.9.33

3) Submitted for perusal dft one

TSD 11/9

4) Please put up an endorsement to the party accompanying the dft

MDS 12/9

General and Revenue Secretariat | File No. 1269/P. of 193

Serial No.

5) Dft Endt put up
TSD 12/9

6) Issue & resubmit
DRP
13/9

From,

To,

Mr. M.D. Swamy

Hon D.-G. Kadur
no. J.737/33-34 d 14.9.33
forwarding a copy of the
notice issued by Messrs
Davies &c.
3

Endt no. P.1311 dt 15.9.33 informing that the matter is under enquiry.

7) Submitted for perusal after issue
KD
16/9

From,

The agent, Mys. Rly.

no. 3005 dt 5.10.33 forwarding a note from the Tr. manager giving a Summary of the claims received and the manner in they are being dealt with by him and suggesting in the circumstances pointed out that the matter should be proceeded with caution in these cases and allow the traffic manager to deal with them in normal way.

8) From the Tr. manager's note it is clear that the various claims are still under examination. Further report may perhaps be awaited. As regards Mr. C. L. Gowda's letter referred to in para 2 of the P.W.D. a separate report in the matter of settlement out of Court of the case in question

NOTE—Contn. Sheet.

D

1844

File No. of 193 . | General and Revenue Secretariat

was called for in the connected file and the same is being awaited.

Submitted for formal orders.

TSD 10/10.

9) Since the Railway department is taking necessary action in the matter of settling these claims for compensation, no further action here is now necessary. It is however desirable that the Ry Deptt & especially the Traffic Manager who is said to be dealing with the cases, should keep the Law deptt informed, before any final orders are made. in the matters The Traffic Manager has to act under legal advice and for this purpose he may perhaps utilise the services of the Public Prosecutor, anyone, who knows all about the Tarikere accident, since he is conducting the Cr. case.

GENERAL SECRETARIAT 11 OCT. 1933 No.

Gen Secy) 11/10/33

10) I agree: The Traffic manager may be intimated as above

H Nambiar 12/10

11) The agent & Secy to R'ys may be intimated accordingly

16/10 16/10 (12) 16/10

Office of the Second Member of Council 16 OCT. No. 2199

D

1844

File No. of 193 . | General and Revenue Secretariat

was called for in the ~~connected~~ file and the same is being awaited.

Submitted for formal orders.

TSD 10/10.

9) Since the Railway department is taking necessary action in the matter of settling these claims for compensation, no further action here is now necessary. It is however desirable that the Ry Deptt & especially the Traffic Manager who is said to be dealing with the cases, should keep the Law deptt informed, before any final ~~order~~ orders are made. ~~in the matter~~ The Traffic Manager has to act under legal advice and for this purpose he may perhaps utilise the services of the Public Prosecutor, anyone, who knows all about the Tarikere accident, since he is conducting the Cr. Case.

(Sd) Gen Secy)

11/10/33

GENERAL SECRETARY
11 OCT. 1933
No.

10) I agree: The Traffic Manager may be intimated as above

Sd Mysore 12/10

11) The agent & Secy to R^ys may be intimated accordingly

Sd 08/10

Sd 16/10 16/10 (12) Sd 16/10

Office of the Second Member of Council
18 OCT.
No. 2199

3655-V 1934 4

General and Revenue Secretariat | File No. | of 193 | [App. F. III—2

Serial No.

17 OCT. 193 4-1-4 GENL. & REV. SECTT

12) Dft Sub⁴ for sappd
ISD 17/10

14) Issue
MM
17/10

To,

The Agent Mys. Rys.

No. P. 1816 d 21.10.33 informing that it is desirable that the Tr manager who is reported to be dealing with the claims should keep the L. Dept informed before any final orders are made.

15) The file relating to the notice issued on behalf of Rudrama and Gangamma is linked. Both these files will be kept in Sec B to await further report.
ISD 23/10

16) Dft MM 23/10/33

Sec B 25/10

From,

Messrs. Dane wood & Co

Letter dated 4th Jan'34 praying for an amicable settlement at an early date.

17) The Railway Dept is taking necessary action to settle the claims for Compensation. The Agent may perhaps be enquired how the matter stands.

Sub⁴ with a dft for orders.

ISD 8/1

18) [signature]
4/1/34

TYPING SECTION 9 JAN 1934 GENL. & REV. SECTT

NOTE—Contn. Sheet.

Issued no. P. 3250 d 10.1.34

Sec A 11/1/34

WD 70—GBPM—60,000—13-8-31.

5

402

Law File No. 27 of 1933. | General and Revenue Secretariat.

From.

The Agent. Mys. Rys.

D.O. No. DD. no. 6691 dated 19th Jan'y 1934 enclosing a c/s of the Public Prosecutors letter dated 17th Dec 1933 and stating that no action can be taken till the case against train staff is decided.

19) The PRO Mysore states that the relatives of persons killed have not so far approached any local lawyers and there seems to be no immediate prospect of any suits being filed against Govt for Compensation and therefore suggests that the further developments in the Campaign of Darwood Reo may be awaited.

Subd for perusal and reference to para 17 supra.

TSD 24/1

20) No further action is called for till the Criminal case is disposed of.

Gen Secy) 25/1/34

27/1

29/1/34

GENERAL SECRETARY'S
25 JAN. 1934
No. 695

Sen B for a
. mention.
29/1/34

4012

4013/34

6

General and Revenue Secretariat | File No. | of 193 . | [App. F. III—2

Serial No.

From.

Sukamma, Tumkur

Letter dated 2.2.34 requesting for early settlement of her claim of Compensation due on account of her husband's death in the recent Tarikere Rly. accident.

2) Submit with a draft forwarding a copy of the letter to the Agent Mys. Rys. for disposal.

ISD 5/2

Issued M.P. 3808 dt 7.2.34.

NOTE—Contn. Sheet.

WD 0434—GPB—15,000—12-10-33

4374/33
P

DAREWOOD & Co.,

ALL INDIAN RAILWAYS SHIPPING CLAIMS AND SURVEY.

Head Office:—ERODE.

Branches:—
MADRAS
BANGALORE
TUTICORIN
NEGAPATAM
VIZAGPATAM

Branches:—
COCHIN
ALLEPPEY
CALICUT
CANNANORE
TELLICHERRY.

Erode 7th February 1934.

Ref. No. D.S.C/96.

To

The General and Revenue Secretariat
Law Dept.
Bangalore.

Dear Sir. / Sirs,

Ref my Last Rep. D.S.C/34 of 6.1.34.

GENERAL SECRET
Recd 7 FEB 1934
No. 4374/33

Immediate.

Regret to point out your promptness towards yr loyal subjects, Sf. the Govt of my own Prince the policy of an Economy an ordinary unpaid reply would have satisfied this office, on receipt of such I would have Communicated the facts or any other needful things to our Concerned clients. The clients are pressing and your Highness Govt simply evading the duty to be borne. I have already explained the facility with an intimacy to settle up the claim as an Ex Gratia payment without prejudice on an amicable terms. Moreover I brought them Govt was even consulted in regard to such terms. your own diwan provocated us. Now I have asked my clients to head up the against Numbers to answer this demands.

Pl. see

Pl. be good enough to excuse me for the present trouble and for our demand recovery in the Competent with Court Costs etc.

Yours faithfully

Sub: for perusal.

Dy. 20/2

Dy. 19/2

Dy. 19/2

Dy. 19

6851 4

General and Revenue Secretariat | Law File No. 27 of 1933. | [App. F. III—2

Serial No.

From,

Messrs Dawood & Co

Letter dated 2.5.34 requesting for early settlement of the claims preferred in the recent Tarkwa Rly accident.

Ref[s] para 19.20, 24.25 supra

ab) Judgment was pronounced recently in the Tarkwa Rly Smash Case. It is for order whether the Agent Nyasa Rys may be enquired what action he proposes to take on the several notices issued to him—

JSD 4/5

27) Now that the Tarkwa Case is disposed of, the Rly Dept has to expedite action on the claims for compensation made so far— An enquiry will be made in the matter if appd

A / Guernsey) me 4/5—

28) As may be done Second Member.

Cash 5-5-34 me 7/5—

16/5

Cash 17.5.34

29) 17/5 me 17/5

RECEIVED BY THE SECOND MEMBER OF COUNCIL -7 MAY 1934 No 7176

NOTE—Contn. Sheet.

WD 01536—GPB—7,500—5-4-34

Notices re Tarikere Rly accident 6396 585 639

19

Law File No. 27 of 1933. | General and Revenue Secretariat

20) Dft for put up
ASO 18/5

21) Issue
18/5

To,

The Agent Mys. Rys.

no. P. 5043 d. 22.5.34. enquiring what action is proposed to be taken in the matter of disposal of claims.

From,

The Agent Mys. Rys.

no. S. 10812 d. 21.5.34 forwarding a copy of the letter from the PWr. Mys. and suggesting that no action need be taken as present to meet the demands of those that have issued notices of suit.

Sub A 28/5/34

22) The PWr. suggests that the question of resisting the claims may lie over till the suits are actually filed.

Subd for orders vide ref. to para 19 ante

ASO 2/6

23) The PWr's suggestion agreed to by the Agent may be accepted and further action taken only if the suits are actually filed. The question of affording relief in the cases of the poor & deserving may be left to the Agent - Merely because they are — in the cases of persons who claim a heavy compensation

Notices of suit in Tofrs 39/6 accepted.

10

Serial No.

DEWAN'S OFFICE
17 JUNE 1934
No. 8010.

Poor & ~~cannot~~ cannot afford to file a suit against Govt, their right to reasonable compensation cannot be denied.

Gen Secy) MM 2/6/34

34) I agree. I consider that compensation to the sufferers should be granted on a liberal scale.

Second Member. CAM. 2.6.34.

OFFICE OF THE SECOND MEMBER OF COUNCIL
6 JUNE 1934
No. 8247

MM 5/6

JDR 15/6

Dewan.

CAM. 16.6.34.

MJ 17-6-34

CAM. 18.6.34

Dft MM 19.6.34

TYPING SECTION
21 JUN. 1934
GENL. & REV. SECTT.

35) Dft Sub? for appl.
TSD 19/6.

36) For perusal before issue

Gen Secy) MM 19.6.34

CAM. 20.6.34

37) Done MM 20/6

NOTE—Contn. Sheet.

WD 01536—GPB—7,500—5-4-34

6396

Land File No. of 1933. | General and Revenue Secretariat

To,

The Agent N.W.Rly

No. P. 5291 d. 21.6.34 informing that and desiring as regards the poor, Govt. desire that Compensation to the sufferers should be granted on a liberal scale.

B J Sun
25/6/34

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P.1221 Genl / Law 22-33-2

Dated, Bangalore 8th September 1933

94-

From

The General Secretary to the Government of His Highness the Maharaja of Mysore.

To

The Agent,
Mysore Railways,
Mysore.

Sir,

In forwarding herewith a copy of the notice issued under Section 80 C.P.C. by Messrs. Darewood and Co., Solicitors on behalf of the marginally noted victims of the recent Tarikere Railway accident, claiming compensation of several sums of money noted against their names, I am directed to request that a report may kindly be sent for orders of Government.

1.	Mr. Maheshwaraya ..	Rs 45,000
2.	" Mundry Mallappa ..	" 25,000
3.	" G.Sivarudyiah ..	" 23,234
4.	" B.Channa Veeriah..	" 8,000
5.	" Bayloor Somaya ..	" 2,000
6.	" Baylore Annat ..	" 1,000

I have the honour to be,

Sir,

Your most obedient servant,

pp

General Secretary to Government.

ISD

Psk.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE 3

General and Revenue Secretariat

No. P.1221 (Secr) Law 27-33-2

Dated, Bangalore 8th September 1933. 94-

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Agent,
Mysore Railways,
Mysore.

Sir.

In forwarding herewith a copy of the Notice issued under Section 80 C.P.C. by Messrs. Darewood and Co., Solicitors on behalf of the marginally noted victims of the recent Tarikere Railway accident, claiming compensation of several sums of money noted against their names, I am directed to request that a report may kindly be sent for orders of Government.

1.	Mr. Maheshwaraya ..	Rs 45,000
2.	" Mundry Mallappa ..	" 25,000
3.	" G.Sivarudyiah ..	" 23,234
4.	" B.Channa Veeriah..	" 8,000
5.	" Bayloor Somaya ..	" 2,000
6.	" Baylore Annat ..	" 1,000

I have the honour to be,

Sir,

Your most obedient servant,

DSM

General Secretary to Government.

ISD

Psk.

Appendix F G—1]

SUBJECT .....

.....

.....

Section Law

File No. 29-33

Serial No. 2

Diary No. of letter replied to .....

No. P. 1221/Enc 2

To

The Agent, Mys. Rys.

Sir,

In forwarding herewith a Copy of the notice issued under sec 80 C.P.C. by Messrs. Dare and Co Solicitors on behalf of the marginally noted Victims of the recent Tarikere Railway accident, claiming Compensation of several sums of money noted against their names, I am directed to request that a report together with the Connected records may kindly be sent for orders of Govt.

I have the honour to be,
Sir,
Your most obedient servant,
7-9-33
Secretary to Government

ISO
7/9

General and Revenue Secretariat

( )

the *193* .

Date of issue 7/9/33

Signed by M N Rao

Messrs:

1) Maheswaraiya — Rs 45,000
2) Mundy Mallappa — 25,00
3) G. Sivarudraiya — 15,154
4) B. Channaveeraiya — 8,000
5) Bebee Somaiya — 2000
6) Bebee Amma — 1000

List of enclosures.....

Copied by BN

Examined by.....

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE,

General and Revenue Secretariat,

No. P. 1311 — 75

Dated, Bangalore... 14-9-1933....

ENDORSEMENT.

To

M.D.Swamy Esq., B.Sc., B.Com.,
Attorney at Law.

Encl.

In acknowledging the receipt of his notice issued under Section 80 Civil Procedure Code on behalf of his clients Marulamma and others claiming compensation on account of the damage caused to them by the Railway accident at Tarikere on 11th July 1933, Mr.M.D.Swamy is hereby informed that the matter is under enquiry.

By order,

For General Secretary to Government.

B.K.M.2

15

Appendix F G—1]

SUBJECT.....

.....

.....

Section Law

File No. 27.33

Serial No. 3

Diary No. of letter replied to .....

No. P. /311

To

M. D. Swamy. Esq. B.Sc., B.Com

Attorney at Law

General and Revenue Secretariat

( )

the *193* .

In acknowledging the receipt of his notice issued under sec 80 C.P.C. on behalf of ~~his client~~ his clients ~~Certain heirs~~ Marudamma and others ~~of the several victims of the recent~~ ~~Railway accident~~, claiming Compensation ~~of rupees Seven~~ on account of the damage caused to them by the Railway accident at Pariakere on 11.7.33, Mr. M. D. Swamy is hereby informed that the matter is under enquiry

B.10.

Date of issue 15/9/33

Signed by Jas. M.N.J. Rau.

List of enclosures.....

ISD
B/9

MP
13/9 In Genl See

Copied by 14/9/33

Examined by.....

In reply please refer to—
No. J. 737/33-34.
Encs. 2.

OFFICE OF THE DEPUTY COMMISSIONER,
KADUR DISTRICT.

Chikmagalur, dated 14th September 193 3.

1503 of 33
P

FROM N. Sundararaja Iyengar, Esquire, B.A.,
~~C.S.KUPPUSWAMIENGAR, ESQUIRE~~
Deputy Commissioner,
Kadur District.

To

H.V. Ramasvami, Esquire, M.A., B.L.,

GENERAL SECRETARY 15 SEP. 1933 No 1506

Secretary to the Government of His Highness
the Maharaja of Mysore,
General *Department,*
BANGALORE.

SIR,

I have the honour to submit herewith for the information of Government letter No.D.S.C.107 dated the 4th instant (in original) together with its enclosure, from Mr. M.D.Swamy, Attorney-at-Law, Darewood Solicitors Chamber, Erode, claiming an aggregate sum of Rs. 1,04,234/- as compensation on behalf of six of the deceased persons in the recent Tarikere Railway Accident that happened in July last.

2. The letter is apparently a notice, wherein the Attorney-at-Law states that in case the claims are not settled by the end of October 1933, legal proceedings would be instituted in that behalf.

GENERAL SECRETARY 16 SEP. 1933 No

On a similar notice received here, a report has been called for, from the Railway & the same is being awaited.
AGA.

I have the honour to be,
Sir,
Your most obedient servant,
Deputy Commissioner,
KADUR DISTRICT.

Darewood Solicitors Chamber. 8.

From
M. D. SWAMY. ESQR.,
B. SC. B. COM. RY. L. P. (LONDON.)
ATTORNEY AT LAW.

Erode 4 September 1933.

Ref. No. D.S.C/107.

Camp _____

Encl One.

To The 1st Class Magistrate & Collector.
Cuddapah.

Dear Sir,

R.P.76
6/9/33

4161 I am instructed by my client herein named Shenbaga Gounder to bring to your notice that he has suffered pecuniary loss, as stated in the accompanying statement and requests that you will be good enough to remit the said sum to him or my client by the end of October 1933, otherwise my instructions are to take legal proceedings in the matter, and that without further reference.

Please take the notice as required in Sec. 140 of the Indian Railways act IX of 1890 & the required Section 80 of the same act.

Please acknowledge.

M. D. Swamy
4. 9. 33.

A 8449
P 8173

VRM A 13 1000. 24-7-33-

MYSORE RAILWAYS

All communications should be addressed to the Agent, Mysore Railways, Mysore by TITLE, not by NAME

AGENT'S OFFICE,
Mysore, 5th October 193 3.

No. 3003 /Fl.

Enc. 4

Law 27-33-4

From

THE AGENT,

Mysore Railways,

MYSORE.

9 OCT. 1933
No. Law

To

The General Secretary

to the Government of Mysore,

Bangalore.

Sir,

Tarikere accident on 11th July 1933.

With reference to your letter No.P.1221/Law.27-33-2 dated 9th September 1933 and subsequent reminders, I have the honour to forward herewith a note from the Traffic Manager giving a summary of claims received and the manner in which each one of the claims are being dealt with by him. As approved by Government, the Traffic Manager has been authorised to enquire into all claims on their merits.

I may also invite reference to a letter from Mr.C.L. Gowda, Advocate, Bangalore, to the Government Advocate (copy of which is herein enclosed for ready reference) communicating the regret of the party in the Devanhalli accident case, for the tone and style of correspondence by Messrs. Darewood & Co., who it is said, had cajoled the clients into authorising them to fight out their claims.

Mr. Gowda's letter has reference to the notice forwarded by you to the Government Advocate with No.P.6485/Law.167-32-2 dated 22-6-1933.

12

Messrs. Darewood & Co., have been writing to me in several cases for the last two years, but I have not taken any notice of their letters as they are advocates practising outside the State and are not a recognised firm.

In this connection, I attach a copy of the Acting Dewan's letter to the Private Secretary to His Highness the Maharaja of Mysore, for your information and suggest that we should proceed with caution in these cases and allow the Traffic Manager to deal with them in normal way: otherwise the parties who have our best sympathy are likely to open their mouths a bit too wide.

I also send herewith a copy of the note recently approved by the Dewan, in reply to a representation that the matter will receive attention in due course.

I have the honour to be,

Sir,

Your most obedient servant,

Agent

Note by the Traffic Manager, Mysore Railways.

1. Claim from Rudramma and Gangamma, wives of Sowcar Rudrayya of Dornal for Rs.1,00,000/-.

We have called for some information from the Sub Divisional Officer, Tarikere. His reply is awaited.

2. Guru Rao of Chickmagalur (killed) -- His son came and applied for a job. We offered him a Ticket Collector's job. He has however stated that if he is given a job on Rs.35/- at least and his younger brothers are given scholarships, he will not press for any claim.

3. Maheswariah -- A cousin of his came and saw you here. He was offered a job as a Ticket Collector conditionally on his agreeing that the deceased's wife and children do not make any other claim. He went back to consult his people and has not replied.

4. Fatham Bi, widow of late Rahim Sheriff of Banavar wants improved prospects for a son-in-law of hers, a Graduate employed in the Incometax Office together with suitable compensation. Letter addressed to the Dewan.

5. In addition to the above four, who have approached us direct, we have received a letter from Darewood & Co. on behalf of:--

1. Maheswariah.
2. Mundy Mallappa.
3. G.Sivarudrayya.
4. Chenna Veeriah.
5. Bayloor Sannayya.
6. Bayloor Anniah.

The question is under consideration.

The General Secretary has however called for a report on his letter, copy of which was sent to him direct by Darewood & Co. Of these No.1 Maheswariah is the same as th one referred to in para 3 above. Nos.5 and 6 might be the incorrect names for Beluranna and Sannanna who were so poor that their bodies had to be buried at the cost of Government by the Police. We have no direct claims from the rest.

hcg 27/3/37

Copy of letter dated 7th September 1933 from C.L.Gouda, Esq., B.A., B.L., Advocate, Bangalore City, to the Government Advocate in Mysore, Bangalore.

"Without prejudice".

"Re.-P. Mis. 151 of 32-33 : Venkatamma &c. Vs. B. C. L. Railway Co. "

"Dear Sir,

Re.-the above, I beg to state that my clients were obliged to file the above petition as their claim would otherwise have been barred by time. My clients very much regret the tone and style of correspondence adopted by "Darewood & Co" who cajoled my clients into authorising them to -- fight out their claim with the Railway Company. My clients now request that the Company be pleaded to consider their claim favourably from an equitable, if not a legal, point of view: they are ready to accept any fair amount that the Railway - Company will be pleased to award".

"I have obtained a Special Power of Attorney from my clients authorising me to negotiate with the Railway Company, settle their claim & receive payment out of Court of any amount that may be awarded by the Company. Before receiving payment my clients will give due security in respect of 2/3rds of such amount, which would be the minors' share of the awarded amount".

"I accordingly request that you will be so good as to forward this letter to your clients and communicate to me any reply that they may be pleased to send. Or, they may, if they so prefer, communicate with me directly in the matter".

Yours faithfully,

(sd) C. L. Gouda,

'Copy'

MSAB/12.-9.-1933. ********

15

No.H.8

Bangalore,
5th August 1933.

My dear Sir Charles,

In continuation of my D.O.letter of the 30th of last month regard the Railway accident at Tarikere, I write to report that I have since discussed with the Agent the question of compensation payable to the injured and to the dependents of the deceased. His note dated 31st July 1933 herewith sent, explains the present position.

The findings of both the Inspector of Railways and the District Magistrate are unanimous and we may, therefore, assume that it is established that the accident was due to the negligence of the train staff. The Railway has, in these circumstances, to meet the compensation claims arising out of the accident. The three persons who will be prosecuted under the orders of the District Magistrate, will, in all probability, try to prove that there was no negligence on their part, but it remains to be seen if this contention will be accepted, to any extent, by the Court. It is extremely doubtful that any such defence could stand in the circumstances of the case. We may, therefore, take it that the compensation claims have to be met by the Railway. I have asked Mr.Khan to take early action to ascertain, in consultation with the local authorities, all particulars relating to the cases, required for settling the claims as soon as they are preferred. The Traffic Manager has to investigate these claims in the first instance and he has been instructed to deal with the cases with sympathy and promptness.

Yours sincerely,

(sd) M. N. Krishna Rao.

Sir Charles Todhunter, K.C.S.I.,
Private Secretary to His Highness the
Maharaja of Mysore, Mysore.

COPY.

The Mysore Representative Assembly.

Dasara Session.

Representation No.20.

Subject:-- Grant of relief to the families of the victims in the recent Railway accident at Tarikere.

Name of Member proposing:-- Mr.K.T.Sathyanarayana Setty.

Summary of Representation.

In view of the large number of Children and wives and other near relations left behind who were dependent entirely for their living upon the earnings of the unfortunate victims in the recent Railway accident at Tarikere, it is prayed that the Government be pleased to consider the question of paying some -- reasonable compensation to them by way of relief.

Secretariat Notes.

The case is at present sub-judice and the matter will receive attention in due course.

Sd/- A. Akbar

Secretary for Railways,
Government of Mysore.

No P 1814

From

The Secy to Govt
Genl Dept

xxxxxxx

To,

The Agent and Secretary to Government,
Mysore Railways, Mysore.

Bangalore, 19th October 33

2181

Sir,

With reference to your letter No.3003 dated 5th October 1933 regarding the notices issued under Section 80, Civil Procedure Code on behalf of several victims in the recent Tarikere Railway accident, I am directed to state that it is desirable that the Traffic Manager who is reported to be dealing with the claims should keep the Law Department informed before any final orders are made.

I am also to suggest that the Traffic Manager has to act under legal advice and for this purpose he may utilise the services of the Public Prosecutor, Mysore, who will be well acquainted with the Tarikere accident since he is conducting the criminal case.

I have the honor to be,
Sir,
Your most obedient servant,

Sd/- H.V.Ramaswami,

General Secretary to Government.

Memo No. P 1815

Copy of the above is forwarded to the Public Prosecutor, Mysore, for information.

By Order,

for General Secretary to Government.

C.P.-3

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

Nep 1814/Law 27-33
dy 21/10/33

To.

The Agent Hys.Hys.
& Secy to Govt
Hys.Hys.

Sir,

With reference to Your letter no. 3003 dated 5.10.33 re: the notices issued under sec 80 C.P.C. on behalf of several Victims in the recent Tarikere Railway accident. I am directed to state that it is desirable that the Traffic manager who is reported to be dealing with the claims should keep the Law department informed before any final orders are made.

I am also to suggest that the traffic manager has to act under legal advice and for this purpose he may utilise the services of the Advr. Hys.

WD 0255—GPB—10,000—23-8-32

19

who is well acquainted with the
facts of the accident since he is
Conducting the Criminal Case. ~~arising~~
~~out of the Railway accident~~.

I have seen

MM
17/10 for Genl Secy

ISD
11/10

LP 1815 ~~+~~ Dy. 21/10/33

Copy to the Govt. Mysore for
information.

MM
17/10.

Confidential.

4131/33
P 28

In reply please refer to—
No. J. 737/33-34.

Enc. three.

OFFICE OF THE DEPUTY COMMISSIONER,
KADUR DISTRICT.

Chikmagalur, dated 21-10-1933 *193*

FROM N. Sundararaja Iyengar, Esq., B.A.,
~~C. S. KUPPUSWAMI IENGAR, ESQUIRE,~~
Deputy Commissioner,
Kadur District.

To

The Hon. V. Ramasvami, Esq., M.A., B.L.,
Secretary to the Government of His Highness
the Maharaja of Mysore,
General *Department,*
BANGALORE.

GENERAL SECRETARIAT
23 OCT. 1933
No.

SIR,

In continuation of my letter of even No. dated the 14th September 1933, submitting a letter from one Mr. M.D. Swamy, Attorney at Law, Erode, I have the honor to state that unofficial information having been received to the effect that the said Mr. Swamy was a bogus person and that the individual who had gone to Tarikere was merely deceiving the heirs of the victims in the recent Railway accident at Tarikere to serve his own ends, the District Superintendent of Police Kadur District, had been asked to put himself in communication with the Police authorities at Erode and thus find out confidentially what the aforesaid person's status in life and his antecedents were at Erode and to report the result to me.

2. A copy of the letter received from the District Superintendent of Police, together with copies of its enclosures, is herein enclosed for the perusal of Government. It is seen therefrom that Mr. Swamy is not a bogus person. that he has a house and his family at Erode, and that he generally interests himself in claims for damages against Railway Companies on behalf of the affected persons.

I have the honor to be,
Sir,
Your most obedient servant,
Treasury Assistant Commissioner,
For Deputy Commissioner,
Kadur District.
(Absent from Station).

Submitted for perusal
2nd member

Office of Second Member of Council.
25 OCT.
No. 24.34.

21

Report dated 1-10-1933 from the Sub Inspector of Police, Erode to the District Superintendent of Police, Madur District.

The individual referred to is a resident of Erode South Okkehar street. He has got a house of his own. His wife and children are here. He is an Attorney at Law taking up cases against Railways. I know him in person. It is his habit to boast himself as avery big man with a view to get some practice. He is a chatter book and will mention by persons as his friends and show correspondence from persons in distant places. So far I know he has not got any criminal propensities. He is a man of ordinary status. The house he owns was purchased by him 2 years back from his own earning. I am not definit as to what he does out-side Erode. He will be found at Erode once or twice a month and if questioned he used to say he went to Mysore, Bangalore, Madras, Bombay etc., for cases. I have seen him travelling in secondclass too. He is known here as Railway Vakil. I submit that it will be worth while to watch him outside and if there be any thing particular it may be communicated to me.

=========

" Copy "

K. Smithe

For Deputy Commissioner,
Madur District.

22

Letter No. -- dated 6-10-1933 from the Superintendent of Polic Coimbatore, to the Deputy Inspector General of Police, Railways and C.I.D., Madras.

Your reference C.560/C.I.G. 33.

M.D. Swamy B.Sc., has a house and family at Erode. He is an officious person. He is always interesting himself in Railway affairs against the interests of the Railway. From the report about him, it seems doubtful if he is really bogus but if there is any question of damages against a Railway Company, he would be only too keen to take the matter up on behalf of any claimant.

Memo No.C.560/C.I.G.33 from the Deputy Inspector General of Police, Railways and C.I.D., Madras to the District Superintendent of Police, Kadur District.

Forwarded to the Superintendent of Police, Kadur District, Chikmagalur, for information with reference to his letter No.C.104/33-34 dated 27/28-9-1933.

==========

" Copy"

K. Krishnamurthy

For Deputy Commissioner,
Kadur District.

Letter No.C.C.19/33-34 dated 16-10-1933 from the District Superintendent of Police, Kadur District, to the Deputy Commissioner and District Magistrate, Kadur District.

With reference to your letter No.J.737/33-34 dated the 25th ultimo directing to ascertain and report the status in life and antecedents of one Mr. M.D.Swamy, B.Sc., B.Com,, Solicitor, Darewood and Co., Erode, I have the honor to enclose herein for favour of perusal copy of the report of the Sub Inspector of Police, Erode, dated 1-10-1933 received through the Deputy Superintendent of Police Erode. Copy of the reply received from the Deputy Inspector-General of Police, Railways and C.I.D., Madras in the matter who had also been addressed isherewith enclosed. The District Superintendent of Police, Railways and C.I.D., Bangalore, states that no information about this person is available in the C.I.D., in Mysore, Bangalore.

" Copy "

For Deputy Commissioner,
Kadur District.

3655 g 33 ~~3260~~ 24

DAREWOOD & Co.

ALL INDIAN RAILWAYS SHIPPING CLAIMS AND SURVEY.

Head Office:—ERODE.

Branches:
MADRAS
BANGALORE
TUTICORIN
NEGAPATAM
VIZAGPATAM

Branches:—
COCHIN
ALLEPPEY
CALICUT
CANNANORE
TELLICHERRY.

Erode 4 January 1934.

Ref. No. D. S. C/24.

To

The General and Revenue Secretariat
Government of His Highness the Maharaja of Mysore.
Bangalore.

Dear Sir, Sirs,

GENERAL SECRETARIAT
5 JAN. 1934
No. f20

Your No P. 1311 of 14. 9. 33.
Law. 27. 33. 3

Reference to his above, Regret to state that nothing has been heard by you till now in his above connection. Therefore I have his liberty to remind you. The clients are vigorously pressing his claims to proceed legally, so long I was forced to keep up his matters in abeyance thinking that you will render Justice on behalf of the clients just as other Railways adopts. In spite of delay his action was taken by your Government was arranged to investigate and settle up his affairs without prejudice on either side. Further all his mentioned clients of his chambers have executed his Stamped Authenticated Deed as to conduct and settle up his payment without their Consent and what is more by us, as we deem fit. Now your Government can easily negotiate his said claim with my chambers. In his case I can advise the parties to accept his offerings without proceeding further in the Court of Justice. Kindly you be pleased to Consider his difficulties of his Lamented clients and their pecuniary Loss. I hereby pray for an amicable settlement at an early date.

Yours faithfully
and Obliges.

M. Darewood & Co.
4. 1. 34.

25

Appendix F G—1]

SUBJECT .....

.....

.....

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the *193* .

Date of issue 10/1/34

Signed by Jr. C.S. Ryan

List of enclosures .....

Copied by .....

Examined by .....

Section

File No.

Serial No.

No. P 3250/—

To

The Agent Mys. Rys.

Sir,

I am directed to invite reference to this office letter no. P. 1814 d 21.10.33 re: the notice issued on behalf of several Victims in the recent Tarikere Railway accident, and to enquire when a final report may be expected

I have etc

for Secretary

ISD
8/1

3695

D O No 6691
2.0.

4012 / 933
P 8

Confidential

AGENT'S OFFICE,
MYSORE.
19th January, 1934.

Dear Mr. Ramaswamy,

Re.-Tarikere Accident.

With reference to correspondence ending with your No.P.3250 dated 9/10th January 1934 regarding the above, I have to inform you that all cases are pending with the Public Prosecutor, Mysore Division. I herein enclose for your information, a copy of Public Prosecutor's letter No.811 dated 17th December 1933 stating that no action can be taken till the case against train staff is decided.

Yours Sincerely,

P.V.Ramaswamy, Esqr., M.A., B.L.,
General Secretary to the Govt.of
His Highness the Maharaja of Mysore,
Bangalore.

VRM A 168—1000—5-1-34

MYSORE RAILWAYS

27

All communications should be addressed to the Agent, Mysore Railways, Mysore by TITLE, not by NAME

AGENT'S OFFICE,

Mysore,_____193 .

No._____/Fl._____

Enc._____

Confidential.

Copy of letter No.811 dated 17-12-1933 from the Public Prosecutor, Mysore Division, Mysore, to the Agent, Mysore Railways, Mysore.

I have the honour to state that during my visit to Tarikere recently in connection with the Train Collision case, I met Mr.Srinivasacharya, the Revenue Sub-Division Officer, and enquired about the activities of the Representative of Darewood and Co.,of Erode in his propaganda of filing damage suits on behalf of the heirs of persons killed in the train disaster at Tarikere. I was informed that the representative had visited Tarikere and adjoining places about a month back but he met with no response from the persons whose cause he wants to befriend. It appears that he had previously collected money at the rate of one pie on the amount claimed by each set of relatives of the deceased persons. His second trip was rather disappointing to him as his 'clients' did not come forward with further sums of money required for filing the intended suits. Personally I do not believe that the representative of Darewood and Co., will find any support in that part of the country. The relatives of persons killed have not so far approached any local lawyers and there seems to be no immediate prospect of any suits being filed against Govt. for compensation.

Till the Train Collision case is decided, it is not expedient to commit outselves to any statement in reply to the several demand notices received on behalf of the relatives. I would therefore suggest that we may wait and watch the further developments in the campaign of Darewood and Co. The Deputy Commissioner, Kadur District,and the

28

Sub-Division Officer, Tarikere, will render all possible assistance in safe-guarding the interest of Government in the matter of resisting the exorbitant and speculative claims put forward by some of the relatives of the persons killed in the unfortunate disaster.

"Copy"
R. Rao
19-1-34.

L: SAB/19.-1.-1934.

4253 29
P 83-1

From:
Sakamma
C/o Gatti Thammaiah,
Santhepet, T U M K U R.

Pol. Reg. Dept.
CHIEF
Law
3 FEB.

To
The Chief Secretary to the Government of Mysore,
B A N G A L O R E .

Pol
3/2

Respected Sir,

It is with much sorrow that I once again bring to your kind notice that my husband Mr.G.Sivarudrappa who was a Sanitary Inspector at Birur died on 11-7-1933 in the Tarikere-Birur Railway accident.

Soon after the death of my husband,I preferred a claim of compensation through Messrs Darewood & Co., All Indian Railways Shipping Claims & Survey, Erode.

I am till now given no reply in the matter. Messrs Darewood & Co., referred to above also state that my claim has not been settled ; in their letter of the 30-1-1934.

I regret very much to say that though it is more than seven months,since my husband died, my claim has not yet been settled. Messrs Darewood & Co., referred to above advise me to take legal steps in the matter. I hope I will not be forced to take the extreme step. In these hard days, it is with great difficulty, I am maintaining myself and my two children. I therefor most humbly request you to kindly settle my claim early .

Expecting an early reply in the matter and thanking you very much in anticipation,

I beg to remain,
Respected Sir,
Yours Most Obediently,
ಸಕಮ್ಮ ತಂಡ

2nd.Feb.34
Tumkur.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

30

No. P 3808 Encl

Dated, Bangalore, 6th February 1934.

7

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Agent,
Mysore Railways, Mysore.

Sir,

I am directed to forward herewith for disposal a copy of the letter dated 2nd February 1934 received from one Sakamma, Tumkur, praying for settlement of her claim of ~~xxx~~ compensation due on account of death of her husband one G.Sivarudrappa, Sanitary Inspector, -- Birur, in the recent Tarikere Railway accident.

I have the honor to be,

Sir,

Your most obedient servant,

For General Secretary to Govt.

15D

c.n.

Appendix F G—1]

SUBJECT .....

.....

.....

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the 193 .

Date of issue 7-2-34

Signed by .....

List of enclosures .....

Copied by .....

Examined by .....

Section

File No.

Serial No.

No. P 3808/Rev

To

The Agent Mys. Rys.

Sir,

I am directed to forward herewith for disposal a C/S of the letter dated 2.2.1934 received from one Sakamma, Tumkur, praying for settlement of her claim of Compensation due on account of the death of her husband one S. Sivanappa, Sanitary Inspector, Birur, in the recent Tarikere Railway accident.

I have etc

for Genl Secy

LSD
5/2/34.

5851/33.
P 0 37

DAREWOOD & Co.,

ALL INDIAN RAILWAYS SHIPPING CLAIMS AND SURVEY.

Head Office:—ERODE.

Branches:—
MADRAS
BANGALORE
TUTICORIN
NEGAPATAM
VIZAGPATAM

Branches:—
COCHIN
ALLEPPEY
CALICUT
CANNANORE
TELLICHERRY.

Erode 2nd May 1934.

Ref. No. D/SC/224.

To
The General and Revenue Secretariat
Law Dept. Bangalore. Government.
Bangalore.

GENERAL SECRETARIAT

Dear Sir. Sirs,

In reference to your Letter No P. 1311 Law 27.33.3 dtd 3/5/ of. 14.9.33. No Settlements has been made to his Parties according to his measure of damages, and they are craving for maintenance. This office holds his full Powers on behalf of his Parties, hence we Can make arrangements, upon agreed terms, as your honourable Govt deems fit.

Some of his Rich Parties are pressing to take legal proceedings. This is a most Considerable Case, Whereas your Noble Govt Still keeping this affairs in abeyance even after his Case is once for all decided. Further we are eager enough to know your finial decision over his affairs so that we Can arrange for further proceedings.

Hope his honorable Govt will take humanitarian on his Subjects, and will Settle it in one way or his Other.

awaiting your favourable Consideration and early reply Solicited

Yours faithfully.

W. Darewood

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. PS343Law 27-33-6

Dated, Bangalore, 20th May 1934.
22nd

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Agent,

Mysore Railways in Mysore, Bangalore.

Sir,

With reference to the correspondence ending with your D.O.No.6691 dated 19th January 1934, re: the notices issued on behalf of the several victims in the Tarakere Railway accident, I am directed to enquire what action in the matter of the disposal of the claims for compensation made so far, is proposed to be taken, now that the criminal case arising out of the accident has been disposed of in the Magistrate's Court.

I have the honour to be,

S i r,

Your most obedient servant,

for General Secretary to Government.

K.M.R.2/20-5.

Appendix F G—1]

SUBJECT .....

.....

.....

Section ~~27-33~~ Land

File No. 27-33

Serial No. 6.

Diary No. of letter replied to .....

No. PS 343.

To The Agent M.S. Rly.

Sir,

With reference to the Correspondence ending with your D.O. no. 6691 dated 15th Jan' 1934 re: the notice issued on behalf of the several victims in the ~~recent~~ Tarkwa Railway accident. I am directed to ~~state~~ enquire ~~that the proposed steps~~ ~~mentioned against the train staff is disposed of and to enquire~~ what action in the matter of the disposal of the claims for compensation made so far ~~have been taken~~ is proposed to be taken, now that the Criminal Case arising out of the accident has been disposed of in the Magistrate's Ct. I have etc

April 1875

for Gen'l Secy

General and Revenue Secretariat

( )

the 193 .

Date of issue 22.5.34.

Signed by Mr N. R. J.

List of enclosures .....

Copied by .....

Examined by .....

WD 0677—G P B—15,000—3-11-33

150
1875.

6396 P 33 35

WRM A 207-1000-27-3-34

All communications should be addressed to the Agent, Mysore Railways, Mysore by TITLE, not by NAME

MYSORE RAILWAYS

AGENT'S OFFICE,

Confidential. Mysore, 31/5/1934.

No. 10912/Fl.

Enc. One

Law 27-33-7

From

THE AGENT,

Mysore Railways,

MYSORE.

To

The Secretary
to the Government of Mysore, General Department,
Bangalore.

Sir,

With reference to your letter No.P.534/43.Law/27-33-6 dated 22nd May 1934 regarding the notices issued on behalf of the several victims in the Tarikere Railway Accident, I have the honour to forward herewith a copy of letter No.1414 dated 24th May 1934 received from the Public Prosecutor, Mysore Division, in the matter.

I agree with the Public Prosecutor and suggest that no action need be taken at present to meet the demands of those that have issued notices of suit.

The matter may kindly be treated as confidential.

I have the honour to be,
Sir,
Your most obedient servant.

Agent.

MLAB.

MRM A 265-1000-27.3-34

All communications should be addressed to the Agent, Mysore Railways, Mysore by TITLE, not by NAME

MYSORE RAILWAYS

AGENT'S OFFICE,

Mysore, _____ 193 .

No._____/Fl._____

Enc._____

Copy of letter No.1414 dated 24th May 1934 from the Public Prosecutor, Mysore Division, Mysore, to the Agent, Mysore Railways, Mysore.

Tarikere Train Accident - Claims for damages - Notices of Suits

---

With reference to our conversation regarding notices of suit issued by the legal representatives of the victims of the Tarikere Train Accident of August 1933, I have the honour to state that not a single suit has yet been filed in this connection against Government. It is no doubt true that the usual period of limitation is twelve months plus two months (period of notice under Section 80 C.P.C). But the fact that no suit has yet been filed in spite of our silence to reply to the several notices received, is a strong indication of the inability or unwillingness of the parties to claim compensation in a Court of Law. The majority of the victims' representatives are poor. They would rather appeal to the mercy of the Government for relief than incur the expenses of protracted litigation. The representative of Darewood & Co., of Erode, seems to be a mere trafficker in litigation. He does not appear to have received any support from his 'clients' to materialise his idea of claiming lacs of rupees as compensation. His threats are not likely to be put into action. Mr. Bhavani Shankara Rao of Shimoga has issued a notice claiming Rs.25,000/- in one case. In my opinion an average client in these days is too shrewd to waste or risk good money on suits of a speculative character. Granting for the sake of argument that the Court does pass a decree for damages, the quantum of damages due to the plaintiff in each case will have to be determined with reference to the probable loss of income to the family of the person killed in the accident. From my knowledge of the status and means of the parties, I should think that they are not in a position to defray Court expenses in the hope of earning heavy damages. The so-called employer's liability in the present case need not, it is

37

submitted, induce the Government to agree to offer exhorbitant compensation to the heirs of the victims. As a matter of fact the Government are sympathetic and are willing to grant some relief in suitable cases to the bereaved. But the party that dreams of realising "heavy damages" from the death of his unfortunate relative will gain nothing in the end.

No action can be taken at present to meet the demands of those that have issued notices of suit. The question of resisting the claims may lie over till the suits are actually filed.

'Copy'
RRao
31/5/34.

MAB/31.-5.-1934.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

Confidential.

General and Revenue Secretariat

No. P S 791

Dated, Bangalore, 21st June 1934.

From

The General Secretary to the Government of His Highness the Maharaja of Mysore.

To,

The Agent, Mysore Railways,
Mysore.

Sir,

With reference to your letter No.10812 dated the 31st May 1934 regarding the notices issued on behalf of the several victims in the Tarikere Railway Accident, I am directed to state that Government agree that as suggested by the Public Prosecutor, Mysore, no action need be taken at present to meet the demands of those that have issued notices of suit claiming heavy compensation. But as regards the poor and deserving, Government desire that compensation to the sufferers should be granted on a liberal scale. Government feel that their rights to compensation cannot be denied simply because they are poor and cannot afford the expenses of filing a suit against Government.

I have the honour to be,
Sir,
Your most obedient servant,

(Draft) Sd. S. Abdul Wajid,
General Secretary to Govt.

vvk.4. Memo.No.P. S 792-93

Bangalore, dated the 21st June 1934.

Copy of the above is forwarded with compliments to (1) the Secy to Govt for Mysore Railways, Bglore & (2) the Public Prosecutor, Mysore.

By Order,

(Draft)

for General Secretary to
Government.

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

(No. P.S. 791/- Law 27-33-8 39

Confidential 22/6/34

To,

The Agent

Nyt. Rly.

Sir,

With reference to Your letter no. 10812 dated 31.5.34 re: the notices issued on behalf of the several Victims in the Tarikere Railway accident I am directed to state that Govt agree as suggested by the P.P., Nyore no action need be taken at present to meet the demands of those that have issued notices of suit claiming ~~to be~~ in respect ~~by Govt in the case of persons~~ who claim ex gratia Compensation. But as regards the poor and deserving, Govt desire that Compensation to the sufferers should be granted on a liberal

WD 0133—GPB—10,000—17-10-33

40

scale. Their rights to compensation
Compensation cannot be denied
simply because they are poor
and cannot afford the expenses of
filing suit against Govt.

I am therefore to request that necessary action may kindly be taken to afford adequate relief to the poor and helpless and a report submitted for information of Govt.

I have etc

TSD 19/6

PPS 19/6. General Sec'y

Copy to NO PS/472-93

1) The Sec'y to Govt. Mys. Rys.

2) " " Pvt. Mys.

21/6